

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

2

Valuation of Security

2

Assumption of Executory Contract or Unexpired Lease

0

Lien Avoidance

U.S. BANKRUPTCY COURT  
FILED  
DISTRICT OF NEW JERSEY

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Larry Kushner  
Jaqueline Kushner

Case No.:

18-33285

Judge:

Gravelle

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date:

4/1/19

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NON-POSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: \_\_\_\_\_

Initial Debtor: \_\_\_\_\_

Initial Co-Debtor: \_\_\_\_\_

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 101 per Month to the Chapter 13 Trustee, starting on January 1, 2019 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

*Family members will contribute, if necessary, to preserve the real property*

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☒ Refinance of real property:

Description:

Proposed date for completion: 7/15/19

☒ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: 7/15/19

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification

e. ☒ Other information that may be important relating to the payment and length of plan:

*10845 Lake Wynds Court, will be Satisfied thru a "cram-down" or attacked in an adversary proceeding since Creditor is Not a mortgagee in the recorded chain of title.*

*731 Greens Ave, LB NJ shall be modified or Satisfied thru a Short-Sale or cram down of the property. Family members will Assist if these payments if necessary 731 Greens have mit requested Funds are available if plan to make payments. Creditor Does Not have the Note*

**Part 2: Adequate Protection** ☒ NONE

*None*

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ <i>None</i>
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		



Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
H S B C by SLS Servicing	731 Greens Ave Long Branch NJ MTGE	852,000	7.5%	100 per month  Amounts to be determined if a valuation and proposed short sale. A request for loss mitigation has been filed.	

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
US National Bank by Dewen	MTGE 10845 Lake Wynns Court Boynton Beach Fla	600,000  Valuation requested. Mortgage Cram Down Unsuccessful Crammer has no standing		NONE	NONE

c. Secured claims excluded from 11 U.S.C. 506: ☐ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
HSBC by Specialized Loan Servicing	731 Grunt Ave LB, NJ	\$852,000	600,000	NONE	\$550,000		
US National Bank by Deben	10845 Lake Wyndeholm	691,000	410,000	NONE	350,000* Disputed		

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ **NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
<i>IRS</i>	<i>pre tax claim</i>	<i>priority</i>	<i>1,000.00</i>

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Nissan Motors	NONE	Auto lease	Ratify	\$118.
Nissan Motors	NONE	Auto lease	Ratify	141.

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
HSBC by SLS (Issued last Note and property valuation)	131 Bens Ave LB N5	Mtge	892,000	\$550,000		NONE	
US National Bank by Owen	10845 Lake Wyndeborn Boynton Beach FL	MTGE propert	691,000	410,000		NONE	
		Issue of Promissory Note and Creditors in title.					



**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
<i>See part (a)</i>						

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
<i>See part (a)</i>					

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

1) Ch. 13 Standing Trustee commissions

2) \_\_\_\_\_

3) \_\_\_\_\_

4) \_\_\_\_\_

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 1/15/19

Explain below **why** the plan is being modified:

objections filed by Secured  
Creditors HSBC and US National.  
Objections Addressed in plan

Explain below **how** the plan is being modified:

Secured creditors are being  
addressed via short sale, loan modification  
or Cram Down.  
Valuations requested

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.


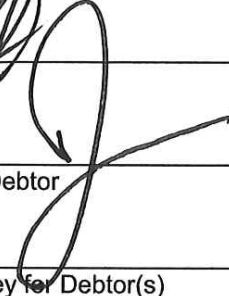
By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 4/1/19

Date: 4/1/19

Date: \_\_\_\_\_

  
Debtor  
  
Joint Debtor  
\_\_\_\_\_  
Attorney for Debtor(s)

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Jacqueline Kushner  
Larry J. Kushner  
DebtorsCase No. 18-33285-CMG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 34

Date Rcvd: Apr 02, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 04, 2019.

jdb/db +Jacqueline Kushner, Larry J. Kushner, 731 Greens Avenue, Long Branch, NJ 07740-4904  
 517971899 +ASC-HSBC, PO Box 14547, Des Moines, Iowa 50306-3547  
 517909105 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 517971906 American Storage, Route 36, West Long Br, NY  
 517975543 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 517925060 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368,  
 Greenville, SC 29603-0368  
 518006613 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493  
 517971903 +David Abtan, Elberon, NJ 07740  
 518002530 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 517971901 +Gail Schwartz Sonners, Montville, NJ 07045  
 518009701 +HSBC Bank USA, N.A. Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386  
 518000584 +NCB Management Services, Inc., One Allied Drive, Trevoise, PA 19053-6945  
 517996632 +New Century Financial Services, Inc., c/o Pressler, Felt & Warshaw, LLP., 7 Entin Road,  
 Parsippany NJ 07054-5020  
 517917434 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366  
 517934016 Ocwen Loan Servicing, LLC, Attn: Bankruptcy Dept., PO Box 24605,  
 West Palm Beach, FL 33416-4605  
 517971902 State of NJ, Trenton, NJ  
 517995195 +U.S. BANK NATIONAL ASSOCIATION, ROBERTSON, ANSCHUTZ & SCHNEID, P.L.,  
 6409 CONGRESS AVE., SUITE 100, BOCA RATON, FL 33487-2853  
 517933028 +U.S. Bank National Association,, 1661 Worthington Road,, Suite 100,, West Palm Beach,,  
 FL 33409-6493  
 517889520 +US Bank Wells Fargo, POB 10335, Des Moines, IA 50306-0335  
 517980484 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg

E-mail/Text: usanj.njbankr@usdoj.gov Apr 03 2019 00:21:01 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 03 2019 00:20:57 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 517915940 +E-mail/Text: kmorgan@morganlaw.com Apr 03 2019 00:21:36 Ford Motor Credit Company LLC,  
 c/o Morgan, Bornstein and Morgan, 1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3229  
 517889522 E-mail/Text: cio.bncmail@irs.gov Apr 03 2019 00:20:09 IRS, 1040 Waverly Place,  
 Holtsville, NY  
 517925152 E-mail/PDF: resurgentbknofications@resurgent.com Apr 03 2019 00:25:05 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 517971900 +Fax: 407-737-5634 Apr 03 2019 01:20:50 Ocwen, 1661 Worthington Road, WPB, FL 33409-6488  
 518000588 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 03 2019 00:24:53  
 Portfolio Recovery Associates, LLC, C/Ocapital One Bank (usa), N.a., POB 41067,  
 Norfolk VA 23541  
 518010586 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 03 2019 00:37:26  
 Portfolio Recovery Associates, LLC, c/o Best Buy Visa, POB 41067, Norfolk VA 23541  
 518010807 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 03 2019 00:26:41  
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,  
 Norfolk VA 23541  
 517925102 +E-mail/PDF: resurgentbknofications@resurgent.com Apr 03 2019 00:25:05 PYOD, LLC,  
 Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008  
 517906865 E-mail/Text: bnc-quantum@quantum3group.com Apr 03 2019 00:20:47  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
 517891991 +E-mail/PDF: gecsed@recoverycorp.com Apr 03 2019 00:26:29 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 517995088 +E-mail/PDF: gecsed@recoverycorp.com Apr 03 2019 00:25:35 Synchrony Bank,  
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021  
 517989514 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 03 2019 00:26:56 Verizon,  
 by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517971904 Best Buy  
 517889521 Capital One Bank  
 517971905 Nissan Motors  
 cr\* +U.S. BANK NATIONAL ASSOCIATION, ROBERTSON, ANSCHUTZ & SCHNEID, P.L.,  
 6409 CONGRESS AVE., SUITE 100, BOCA RATON, FL 33487-2853  
 517966994\* American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 517899369\* IRS, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTALS: 3, \* 3, ## 0

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 34

Date Rcvd: Apr 02, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 04, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Aleisha Candace Jennings on behalf of Creditor U.S. Bank National Association, successor in interest to Bank of America, National Association, successor by merger to LaSalle National Association as trustee for GSAMP Trust 2007-NC1 Mortgage Pass-Th ajennings@rasflaw.com  
Brian S Pantaleo on behalf of Creditor U.S. Bank National Association, successor in interest to Bank of America, National Association, successor by merger to LaSalle National Association as trustee for GSAMP Trust 2007-NC1 Mortgage Pass-Th pantaleob@gtlaw.com  
Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association, as Trustee for ACE Securities Corp. Home Equity Loan Trust, Series 2006-HE1 Asset Backed Pass- Through Certificates dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com  
Harold N. Kaplan on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION hkaplan@rasnj.com, informationathnk@aol.com  
Rebecca Ann Solarz on behalf of Creditor HSBC Bank USA, National Association, as Trustee for ACE Securities Corp. Home Equity Loan Trust, Series 2006-HE1 Asset Backed Pass- Through Certificates rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7